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Attorneys for Defendant
FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER OF UNITED COMMERCIAL BANK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS S. WU,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its capacity as receiver of
United Commercial Bank, and FEDERAL
DEPOSIT INSURANCE CORPORATION, in its
corporate capacity,

Defendants.

Case No. CV10-04085 JSW

**STIPULATION AND PROPOSED ORDER
CONTINUING PRETRIAL DEADLINES
BASED ON CONDITIONAL
SETTLEMENT**

STIPULATION

This case arises out of the failure of United Commercial Bank ("UCB"). On March 15-16, 2011, the above-captioned parties attended mediation with Hon. Daniel Weinstein (Ret.). Since that time, pretrial deadlines in this case have been extended several times in anticipation of a global settlement involving the Parties to this matter, among others. After considerable negotiation, the

Parties have finalized and executed the terms of a global settlement which will be effective upon approval by the Bankruptcy Court. At this time, the schedules of the Parties and their counsel necessitate a further extension of pretrial deadlines so that they may discuss the status of this action in light of the global settlement.

WHEREAS the Parties believe that it would promote efficiency and the conservation of the Court's and the Parties' resources to continue pretrial deadlines at this time;

THEREFORE, the Parties, through their respective counsel of record, hereby agree and stipulate that:

1. The FDIC's responsive pleading deadline shall be continued from September 4, 2012, to November 5, 2012; and

2. The Case Management Conference and all attendant matters – including the filing of the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial disclosures under Rule 26(a) – shall be continued until after November 5, 2012, on a date to be set by the Court.

Dated: August 31, 2012

NIXON PEABODY LLP

By /s/ Gina M. Fornario

Gina M. Fornario
Attorneys for Defendant Federal Deposit
Insurance Corporation, as receiver of
United Commercial Bank

Dated: August 31, 2012

LATHAM & WATKINS LLP

By /s/ Timothy P. Crudo

Timothy P. Crudo
Attorneys for Plaintiff Thomas S. Wu

PROPOSED ORDER

The FDIC's responsive pleading deadline shall be continued from September 4, 2012, to November 5, 2012. The Case Management Conference currently scheduled for September 14, 2012, is hereby continued to November 16, 2012. The parties shall meet and confer and file a Joint Case Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before November 9, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 7, 2012


Hon. Jeffrey S. White